IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Sakha Ram. Versus State of Rajasthan & ors.

S.B. Civil Writ Petition No. 314/2007

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Date of Order: February 08, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Paramveer Singh, for the petitioner.
Mr. Rameshwar Dave, Deputy Govt. Advocate.

BY THE COURT:

By the instant writ petition, the petitioner has challenged the impugned orders dated 5-1-2001 (Annx.1), 10.7.2001 (Annx.7) and 23-12-2005 (Annx.8) passed by the Disciplinary Authority, Appellate Authority and the Reviewing Authority respectively.

The facts of the case, in a nut shell, are that on 6.7.1992, while serving as a Patwari, on a written complaint lodged by one Hanja Ram that the petitioner demanded a sum of Rs.1800/- as bribe from his brother Lada Ram. On this, a trap was made by the Superintendent of Anti-Corruption Department and the aforesaid bribe amount was seized from the petitioner and the Challan against the petitioner for the offences under

Sections 7, 13 (d) (2) of the Prevention of Corruption Act, 1988 (for short, "the P.C. Act" hereinafter) was filed. Simultaneously, the petitioner was served with a charge-sheet under Section 16 of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958 (for short, "the CCA Rules" hereinafter). After holding the inquiry, the Enquiry Officer found the petitioner guilty of the charges. The Disciplinary Authority, vide impugned order dated 5-1-2001 (Annx.3), concurring with the findings of the Enquiry Officer, imposed he penalty of dismissal of service. Being aggrieved by the order impugned (Annx.3) dated 5-1-2001, the petitioner filed a statutory appeal before the Appellate Authority, which has been dismissed vide impugned order dated 10-7-2003 (Annx.7) and the Review Petition filed by him against the order of the Appellate Authority before His Excellency the Governor of Rajasthan has also been dismissed vide impugned order dated 23-12-2005 (Annx.8). Hence this writ petition.

There is concurrent findings of the Enquiry Officer, Disciplinary Authority, Appellate Authority and the Reviewing Authority holding the petitioner guilty of the delinquency. Apart from this, from a bare perusal of the impugned order Annx.3 dated 5-1-2001 passed by the Disciplinary Authority, it appears that the petitioner has been convicted and sentenced for the offences under Sections 7, 13 (1) (d) (2) of the P.C. Act 1988 by the learned Special Judge, Anti Corruption Cases. The petitioner

failed to point out any irregularity, illegality or violation of any rule or law in holding the inquiry by the Enquiry Officer and imposing the penalty by the Disciplinary Authority and affirming it by the Appellate and Reviewing Authorities. In this view of the matter, I do not find any illegality, irregularity or perversity in the orders impugned which may warrant interference in writ jurisdiction.

Consequently, I do not find any merit in the writ petition and it is dismissed accordingly. There shall be no order as to costs.

(H.R. PANWAR), J.

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